



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED
June 26, 2024
*The Fatico hearing is
adjourned to July 25, 2024
at 2:00 p.m.*

VIA ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. William Weiner
22 Cr. 19 (PGG)

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.
Dated: June 26, 2024

Dear Judge Gardephe:

The parties write to jointly update the Court and seek a brief adjournment of the *Fatico* hearing currently scheduled for July 9, 2024 (the "Hearing"). During the past few weeks, the parties have conferred in good faith for multiple hours on multiple occasions to narrow the scope of the disputed issues. These conversations have been productive. For instance, the Government has decided to voluntarily forgo attempting to establish an alleged *Mallela* violation for purposes of sentencing because the presentation of the Government's evidence would take approximately two weeks and require testimony of over a dozen witnesses. This moots many of the disputes addressed by the Court during the parties' June 12, 2024 conference including:

- The government says that Dr. Weiner "effectively sold his medical license to Bradley Pierre, his co-conspirator, to conceal that Pierre in fact owned and controlled the radiology practice to which Weiner lent his name," . . . Dr. Weiner, by contrast, says that he owned and controlled his radiology practice and that he made all of the normal and necessary decisions in running his practice, (Transcript ("Tr") at 2-3); and
- The defense says that Dr. Weiner in his examinations under oath "minimized Mr. Pierre's role because he knew that the insurance companies would seek to use Mr. Pierre's involvement to try to deny otherwise valid claims," . . . the government says that Dr. Weiner wasn't concerned about the insurance company denying valid claims. It says that he lied about Pierre's involvement because he knew that it was unlawful for Nexray to obtain reimbursement from the insurance companies, given Mr. Pierre's involvement in Nexray, (*id.* at 4-5).

The parties continue to confer in good faith about the remaining issues and are making progress. However, the parties lack sufficient time to finalize these conversations before the Hearing because of the July 4 holiday. The parties accordingly jointly respectfully request that the Court adjourn

the *Fatico* hearing by three weeks or later. This will enable the parties to finalize their discussions on the complex issues raised by the Court and potentially dramatically streamline the Hearing.

Respectfully submitted,

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